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EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/770,056	LETTE ET AL.	
	Examiner	Art Unit	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30 and 32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on September 19, 2006.

2. Claims 1-30 and 32 are presented for examination and claim 31 is canceled.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/18/06 has been entered.

Claim Rejections – 35 USC 103

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al, U.S. Patent 6,539,481 (hereinafter Takahashi) and Baugher et al, U.S. Patent 5,701,465 (hereinafter Baugher) in view of Blakley III et al, U.S. Patent 7,039,714 (hereinafter Blakley)

6. Takahashi was cited in the last office action.

7. As per claim 32, Takahashi taught the invention substantially as claimed comprising:

means for pre-allocating the at least one resource (i.e., computer resource pool 5) for consumption by a consumer based at least in part on a resource type (a disk or other memory devices)(col. 5, lines 18-25);

means for determining whether data concerning the consumer has been replicated to one or more resource managing component (col. 5, lines 66-col. 6, lines 19);

means for associating the at least one pre-allocated resource with a first resource managing component, where the first resource managing component manages the at least one pre-allocated resource for the consumer before the data concerning the consumer has been replicated to the one or more resource managing components (col. 6, lines 33-56); and

Note that the management section 3 manages the computer resource pool 5 before the user "uchida" is register at the computer resource list 4. As shown in fig. 4, the data concerning the consumer's home directory with user name "uchida" has been replicated to one of the resource managing component (e.g., computer resource list 4)

means for routing a request generated by the consumer, for whom data has not been replicated to the one or more resource managing components, to the first resource managing component (col. 5, lines 31-37).

8. Takahashi did not teach a resource capacity, a resource location and a resource availability. Baugher taught means for allocating based at least in part on a resource capacity, a resource location and a resource availability (col. 9, line 45-col. 10, line 8).

9. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi and Baugher because Baugher's

teaching of allocating based at least in part on a resource capacity, a resource location and a resource availability would improve the quality of service in Takahashi's system by allowing reservation of available resources for remote file accesses.

10. Takahashi and Baugher do not teach utilization of a round robin routing algorithm. Blakley taught routing a request based on utilization of a round robin routing algorithm (col. 5, lines 49-59).

11. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Baugher and Blakley because Blakley's teaching of utilization of round robin routing algorithm would allow requests in their systems to be serviced in a load balancing routine.

12. Claims 1-9, 22-23, 25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, Dworkin, U.S. Patent Application Publication 20020071540 (hereinafter Dworkin) and Baugher in view of Blakley.

13. Dworkin was cited in the last office action.

14. As per claims 1, 22-23 and 30, Takahashi taught the invention substantially as claimed for pre-allocating at least one resource, comprising:

pre-allocates the at least one resource based at least in part on an association between the at least one resource and a first resource manager (col. 6, lines 33-39) and a resource type (col. 5, lines 18-25);

an identifier adapted to determine whether a consumer utilizing the at least one resource is a registering consumer or a registered consumer (col. 4, lines 16-25, 48-52, 59-66; col. 5, lines 66-col. 6, lines 2);

an associator adapted to associate the at least one allocated resource with the first resource manager, the first resource manager operable to manage the at least one pre-allocated resource for the registering consumer (col. 6, lines 33-56; col. 3, lines 59-63);

a router adapted to route a request requiring access to the at least one resource associated with the registering consumer to the first resource manager (col. 5, lines 31-37); and

a replicator that propagates information and generated data associated with the registering consumer to disparate plurality of resource managers and the router (col. 6, lines 9-13, 24-27, 33-39).

15. Takahashi did not specifically teach an allocator. Dworkin taught an allocator (page 2, paragraph 16).

16. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi and Dworkin because Dworkin's teaching of an allocator would increase the functionality of Takahashi's system by allocating

hardware and software resources to enable transmission and reception of data between the resources and the users (page 2, paragraphs 14 and 16).

17. Takahashi and Dworkin did not teach a resource capacity, a resource location and a resource availability. Baugher taught means for allocating based at least in part on a resource capacity, a resource location and a resource availability (col. 9, line 45-col. 10, line 8).

18. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Dworkin and Baugher because Baugher's teaching of allocating based at least in part on a resource capacity, a resource location and a resource availability would improve the quality of service in Takahashi's and Dworkin's systems by allowing reservation of available resources for remote file accesses.

19. Takahashi, Dworkin and Baugher do not teach the router utilizes a round-robin algorithm. Blakley taught utilizing an algorithm to route the request to the first resource manager, the algorithm includes routing the request in a round-robin fashion (col. 5, lines 49-59).

20. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Dworkin, Baugher and Blakley because Blakley's teaching of utilization of round robin routing algorithm would allow requests in their system to be serviced in a load balancing routine.

21. As per claims 2 and 27, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claims 1 and 23 above. Dworkin further taught wherein the at least one resource is allocated to a consumer registering to use an application (page 2, paragraphs 14 and 16).

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Dworkin, Baugher and Blakley for the same reason set forth in claims 1 and 23 above.

23. As per claim 3, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claim 2 above. Takahashi further taught wherein the application is available over a network (col. 3, lines 51-56).

24. As per claims 4 and 28-29, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claims 3 and 27 above. Dworkin further taught wherein the network is the Internet (page 2, paragraph 14).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Dworkin, Baugher and Blakley because Dworkin's teaching of the internet would increase the mobility of a user in their systems by allowing a user to access resources remotely over the Internet.

26. As per claim 5, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claim 1 above. Dworkin further taught wherein the at least one resource is allocated to a consumer registering to use a service (page 2, paragraphs 14 and 16).

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Dworkin, Baugher and Blakley for the same reason set forth in claims 1 and 23 above.

28. As per claims 6, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claim 5 above. Dworkin further taught wherein the service is available over the Internet (page 2, paragraph 14).

29. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Dworkin, Baugher and Blakley because Dworkin's teaching of the service is available over the internet would increase the mobility of a user in Takahashi's, Baugher's and Blakley's systems by allowing a user to access services remotely over the Internet.

30. As per claim 7, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claim 1 above. Takahashi further taught wherein the identifier is a computer process (col. 4, lines 16-29).

31. As per claim 8, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claim 1 above. Takahashi further taught wherein the associator is a computer process (col. 6, lines 33-44).

32. As per claim 9, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claim 1 above. Takahashi further taught wherein the router is a computer process (col.5, lines31-37).

33. As per claim 25, Takahashi, Dworkin, Baugher and Blakley taught the invention as claimed in claim 23 above. Takahashi further taught wherein the request requiring access to the resource is not necessarily routed to the first resource manager if the data associated with registering consumer has been replicated to one or more resource managers, the request being routable to the one or more resource managers to which the data has been replicated (col. 1, lines 37-61).

34. Claims 10-11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, Dworkin, Baugher and Blakley in view of Makarios et al, U.S. Patent 6,401,125 (hereinafter Makarios).

35. Makarios was cited in the last office action.

36. As per claims 10 and 26, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claims 1 and 23 above. Takahashi, Dworkin, Baugher and Blakley did not specifically detailing the type of requests. Makarios taught the identifier operable to receive Hypertext Transfer Protocol (HTTP) requests (col. 4, lines 30-38).

37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Dworkin, Baugher, Blakley and Makarios because Makarios's system of receiving Hypertext Transfer Protocol (HTTP) request would increase the field of use in Takahashi's, Dworkin's, Baugher's and Blakley's systems by allowing a client to request for Hypertext Transfer Protocol objects (col. 4, lines 33-34).

38. As per claim 11, Takahashi, Dworkin, Baugher, Blakley and Makarios taught the invention as claimed in claim 10 above. Makarios further taught wherein the identifier distinguishes consumer requests by examining at least part of a persistent client side hypertext file (cookie) (col. 3, lines 1-10; col. 4, lines 30-38; col. 5, lines 46-49).

39. Claims 12-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, Dworkin, Baugher and Blakley in view of Zadikian et al, U.S. Patent 6,631,134 (Zadikian).

40. Zadikian was cited in the last office action.

41. As per claims 12, 15 and 24, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claims 1 and 23 above. Takahashi, Dworkin, Baugher and Blakley did not specifically detailing records of association information. Zadikian taught wherein the associator records association information concerning an association between the at least one resource and the first resource manager in one or more data structures (col. 21, lines 4-15).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Dworkin, Baugher, Blakley and Zadikian because Zadikian's method of recording association information would increase the efficiency of Takahashi's, Dworkin's, Baugher's and Blakley 's systems by allowing the resource manager to quickly determine a resource's failure (col. 21, lines 13-15).

43. As per claim 13, Zadikian further taught wherein the one or more data structures include at least one of, a table, an array, a list, a tree, a linked list, a hash and a heap (col. 21, lines 11-12).

44. As per claims 14 and 16, Takahashi, Dworkin, Baugher, Blakley and Zadikian taught the invention substantially as claimed in claims 12 and 15 above. Zadikian further taught wherein the one or more data structures contain a mapping between the at least one resource and the first resource manager (col. 21, lines 4-15).

45. As per claims 17 and 20, Takahashi, Dworkin, Baugher and Blakley taught the invention substantially as claimed in claim 1 above. Takahashi, Dworkin, Baugher and Blakley did not teach accessing routing information. Zadikian taught wherein the router accesses one or more data structures containing routing information that facilitates routing the request associated with the registering consumer to the first resource manager (col. 5, lines 34-37).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Takahashi, Dworkin, Baugher, Blakley and Zadikian for the same reason set forth in claims 12, 15 and 24 above.

47. As per claim 18, Takahashi, Dworkin, Baugher, Blakley and Zadikian taught the invention substantially as claimed in claim 17 above. Zadikian further taught wherein the one or more data structures include at least one of, a table, an array, a list, a tree, a linked list, a hash and a heap (col. 21, lines 11-12).

48. As per claims 19 and 21, Takahashi, Dworkin, Baugher, Blakley and Zadikian taught the invention as claimed in claims 18 and 20 above. Takahashi further taught wherein the one or more data structures contain one or more mappings for one or more consumers to one or more resource managers (col. 1, lines 37-48).

49. Applicant's arguments with respect to claims 1-30 and 32, filed 09/19/06, have been fully considered but are moot in view of new grounds of rejection.

50. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

BUNJOB JAROENCHONWANIT
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